

WSR 22-12-078
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 31, 2022, 8:54 a.m.]

Title of Rule and Other Identifying Information: Chapter 296-307 WAC, Safety standards for agriculture, Part I, Worker protection standard.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of labor and industries (L&I) is conducting rule making to clarify language and correct errors in chapter 296-307 WAC, Safety standards for agriculture, Part I, worker protection standard, to better align the standard with the Washington state department of agriculture (WSDA) worker protection standard found at chapter 16-233 WAC; and to comply with, and be at-least-as-effective-as, United States Environmental Protection Agency (EPA) regulations found in 40 C.F.R. Part 170, as required by chapter 49.17 RCW, The Washington Industrial Safety and Health Act (RCW 49.17.280 (2) (b)).

L&I is collaborating with the WSDA on this rule making to ensure chapter 296-307 WAC, Safety standards for agriculture, Part I, Worker protection standard aligns with chapter 16-233 WAC, Worker protection standard, as statutorily required for these pesticide protection rules. WSDA will incorporate the same amendments within chapter 16-233 WAC, Worker protection standard.

Amended Sections:

WAC 296-307-10805:

- Change "worker protection standards" to "worker protection standard."

WAC 296-307-10825 (6) (b):

- Update to require providing the information to the treating medical personnel, and maintain the option to give the information to the worker or handler, if requested. Proposed amendments are to align with WSDA worker protection standard and EPA regulations at 40 C.F.R. 170.309 (f)(2), which require the information be provided to the treating medical personnel.

WAC 296-307-10830 (1) (d) (ii):

- Update requirements related to decontamination supplies to require quantities to meet the requirements of 11 or more workers or handlers. Proposed amendments are to align with WSDA worker protection standard and EPA requirements at 40 C.F.R 170.311 (a) (5) (ii).

WAC 296-307-10905 (3) (d) (ii):

- Update requirements for trainers of workers to require completion of an EPA-approved pesticide safety train-the-trainer program for trainers of workers to align with WSDA worker protection standard and EPA requirements at 40 C.F.R. 170.401 (c) (4) (ii).

WAC 296-307-11205 (3) (d) (ii):

- Update requirements for trainers of handlers to require completion of an EPA-approved pesticide safety train-the-trainer program for trainers of handlers to align with WSDA worker protec-

tion standard and EPA requirements at 40 C.F.R. 170.501 (c) (4) (ii).

WAC 296-307-11220 (2) (e) (iii):

- Move "Table 3 Chemical Resistance Category Selection Chart for Gloves["] from subsection (2) (i) to subsection (2) (e) (iii) as subsection (2) (e) details selection of gloves.
- Add "Table 4 Solvent List" after Table 3. Table 3 currently refers to Table 4. Table 4 previously not included, in error. Both Table 3 and Table 4 from "EPA Label Review Manual, Chapter 10: Worker Protection Labeling."

WAC 296-307-11220 (4) (f):

- Update language to provide clarification of requirements. Proposed amendments provide clarification and further align with WSDA worker protection standard found at chapter 16-233 WAC.

WAC 296-307-11415 (2) (h):

- Update to remove reference to WAC 296-307-10835(1) to align with WSDA worker protection standard found at WAC 16-233-311 (2) (h) and EPA requirements at 40 C.F.R. 170.605 (b) (8). The reference to WAC 296-307-10835(1) is not applicable.

WAC 296-307-10825 (3), 296-307-10825 (6), 296-307-10825 (8), 296-307-10830 (1) (c), 296-307-10830 (2) (d), 296-307-10830 (2) (f) (i), 296-307-10830 (2) (h) (i), 296-307-10830 (h) (ii) (D) (iii), 296-307-10905 (1), 296-307-10905 (3) (c), and 296-307-10905 (3) (c) (xviii):

- Formatting changes to comply with office of the code reviser updated bill drafting guide regarding the formatting of numbers. The style change is to use Arabic numerals for numbers 10 and over.

Changes throughout WSDA and L&I standards to foster consistency:

- Change "worker protection standards" to "worker protection standard." Change is to remove "s" only.
- Change references of "eyeflushing" or "eye-flushing" to "eye flushing." Change is to use two words throughout, without hyphenating, for consistency.

Reasons Supporting Proposal: In 2019, L&I adopted amendments to chapter 296-307 WAC, Safety standards for agriculture, Part I, Pesticides (worker protection standard). The amendments became effective in early 2020.

In 2020, WSDA adopted amendments to chapter 16-233 WAC. The amendments became effective in November 2020.

Both L&I and WSDA have identified the need for additional amendments to further align L&I and WSDA standards; and to comply with EPA regulations found at 40 C.F.R. Part 170.

Amendments proposed during this rule making clarify language and update errors to better align the standard with the requirements of EPA worker protection standard found at chapter 16-233 WAC; and to comply with, and be at-least-as-effective-as, EPA regulations found at 40 C.F.R. Part 170, as required by RCW 49.17.280 (2) (b).

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.280.

Statute Being Implemented: RCW 49.17.280 and 49.17.285.

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: L&I, WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Craig Blackwood, Tumwater, Washington, 360-902-5828.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendments clarify language and update errors to better align the standard with the requirements of WSDA worker protection standard found at chapter 16-233 WAC; and to comply with, and be at-least-as-effective-as, EPA regulations found at 40 C.F.R. Part 170, as required by RCW 49.17.280 (2) (b).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Cathy Coates, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5432, fax 360-902-5619, email Cathy.Coates@lni.wa.gov, AND RECEIVED BY August 1, 2022.

May 31, 2022
Joel Sacks
Director

OTS-3515.7

Part I

((Pesticides-~~()~~)Worker Protection Standard(~~()~~))

AMENDATORY SECTION (Amending WSR 19-21-169, filed 10/22/19, effective 2/3/20)

WAC 296-307-10805 Federal worker protection standard(~~(s)~~)—Washington state department of labor and industries. This part contains the federal Environmental Protection Agency (EPA) worker protection standard(~~(s)~~) as listed in 40 C.F.R., Part 170. Revisions to the federal language have been incorporated into this part in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in this chapter, Part I and the Washington state department of agriculture in chapter 16-233 WAC.

[Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-10805, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-10825 Agricultural employer duties—40 C.F.R., Sec. 170.309. Agricultural employers must:

(1) Ensure that any pesticide is used in a manner consistent with the pesticide product labeling, including the requirements of this part, when applied on the agricultural establishment.

(2) Ensure that each worker and handler subject to this part receives the protections required by this part.

(3) Ensure that any handler and any early entry worker is at least ~~((eighteen))~~ 18 years old.

(4) Provide to each person, including labor contractors, who supervises any workers or handlers, information and directions sufficient to ensure that each worker and handler receives the protections required by this part. Such information and directions must specify the tasks for which the supervisor is responsible in order to comply with the provisions of this part.

(5) Require each person, including labor contractors, who supervises any workers or handlers, to provide sufficient information and directions to each worker and handler to ensure that they can comply with the provisions of this part.

(6) Provide emergency assistance in accordance with this subsection. If there is reason to believe that a worker or handler has experienced a potential pesticide exposure during his or her employment on the agricultural establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within ~~((seventy-two))~~ 72 hours after his or her employment on the agricultural establishment, and needs emergency medical treatment, the agricultural employer must do all of the following promptly after learning of the possible poisoning or injury:

(a) Make available to that person prompt transportation from the agricultural establishment, including any worker housing area on the establishment, to an operating medical care facility capable of providing emergency medical treatment to a person exposed to pesticides.

(b) Provide all of the following information to ~~((that person or to))~~ the treating medical personnel, and upon request to the worker or handler:

(i) Copies of the applicable safety data sheet(s) (SDS) and the product name(s), EPA registration number(s) and active ingredient(s) for each pesticide product to which the person may have been exposed.

(ii) The circumstances of application or use of the pesticide on the agricultural establishment.

(iii) The circumstances that could have resulted in exposure to the pesticide.

(iv) Antidote, first aid and other medical information from the product labeling.

(7) Ensure that workers or other persons employed or supervised by the agricultural establishment do not clean, repair, or adjust pesticide application equipment, unless trained as a handler under WAC 296-307-11205. Before allowing any person not directly employed or supervised by the agricultural establishment to clean, repair, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the agricultural employer must assure that pesticide residues have been removed from the equipment if feasible and must provide all of the following information to such person:

(a) Pesticide application equipment may be contaminated with pesticides.

(b) The potentially harmful effects of exposure to pesticides.

(c) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(d) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(8) Display, maintain, and provide access to pesticide safety information and pesticide application and hazard information that is legible and in accordance with WAC 296-307-10830. If workers or handlers are on the establishment and within the last ~~((thirty))~~ 30 days a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect on the establishment.

(9) Ensure that before a handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment.

(10) Ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or replaced.

(11) The agricultural employer must notify a commercial pesticide handler employer (CPHER) of any specific locations and descriptions of those treated areas and any restrictions on entering the treated areas with restricted-entry intervals (REIs) in effect whenever:

(a) A handler employed by a CIPHER will be on the agricultural establishment; and

(b) The CIPHER handler may be in or walk within a quarter mile of any pesticide treated area with restricted-entry interval (REI) in effect.

(12) Ensure that workers do not enter any area on the agricultural establishment where a pesticide has been applied until the applicable pesticide application and hazard information for each pesticide

product applied to that area is displayed in accordance with WAC 296-307-10830(2) and until after the restricted-entry interval has expired and all treated area warning signs have been removed or covered, except for entry permitted by WAC 296-307-11410.

(13) Provide any records or other information required by this section for inspection and copying upon request by an employee of EPA, or any duly authorized representatives of the Washington state department of agriculture or department of labor and industries.

(14) Pesticide safety, application, and hazard information must remain legible at all times when the information is required to be displayed. This information must be in accordance with WAC 296-307-10830.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-10825, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-10825, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 19-21-169, filed 10/22/19, effective 2/3/20)

WAC 296-307-10830 Display requirements for pesticide safety information and pesticide application and hazard information—40 C.F.R., Sec. 170.311. (1) **Display of pesticide safety information.** Whenever pesticide safety information and pesticide application and hazard information are required to be provided under WAC 296-307-10825(8), pesticide safety information must be legible and displayed in accordance with this subsection.

(a) **General.** The pesticide safety information must be conveyed in a manner that workers and handlers can understand.

(b) The pesticide safety information must include all of the following points:

(i) Avoid getting on the skin or into the body any pesticides that may be on or in plants, soil, irrigation water, tractors, and other equipment, on used personal protective equipment, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

Note: Consider including other activities that could be a route of exposure such as using a phone or cell phone, or tablet, applying makeup, and getting into a personal vehicle.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash or shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) If pesticides are spilled or sprayed on the body use decontamination supplies to wash immediately, or rinse off in the nearest clean water, including springs, streams, lakes or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

(vii) Follow directions about keeping out of treated areas and application exclusion zones.

(viii) Instructions to employees to seek medical attention as soon as possible if they believe they have been poisoned, injured or made ill by pesticides.

(ix) The name, address, and telephone number of a nearby operating medical care facility capable of providing emergency medical treatment. This information must be clearly identified as emergency medical contact information on the display.

(x) The name, address, and telephone number of the Washington state department of agriculture and Washington state department of labor and industries, 1-800-4BE-SAFE (1-800-423-7233).

(c) **Changes to pesticide safety information.** The agricultural employer must update the pesticide safety information display within (~~twenty-four~~) 24 hours of notice of any changes to the information required in (b) (ix) of this subsection.

(d) **Location.** The pesticide safety information must be displayed at each of the following sites on the agricultural establishment:

(i) The site selected pursuant to subsection (2) (b) of this section for display of pesticide application and hazard information.

(ii) Anywhere that decontamination supplies must be provided on the agricultural establishment pursuant to WAC 296-307-10930, 296-307-11225 or 296-307-11415, but only when the decontamination supplies are located at permanent sites or being provided at locations and in quantities to meet the requirements (~~of ten or more gallons of water~~) for 11 or more workers or handlers.

(e) **Accessibility.** When pesticide safety information is required to be displayed, workers and handlers must be allowed access to the pesticide safety information at all times during normal work hours.

(2) **Keeping and displaying pesticide application and hazard information.** Whenever pesticide safety information and pesticide application and hazard information is required to be provided under WAC 296-307-10825(8), pesticide application and hazard information for any pesticides that are used on the agricultural establishment must be displayed in a legible manner, retained, and made accessible in accordance with this subsection.

(a) **Content.** The pesticide application and hazard information must include all of the following information for each pesticide product applied:

(i) A copy of the safety data sheet (SDS).

(ii) The name, EPA registration number, and active ingredient(s) of the pesticide product.

(iii) The crop or site treated and the location and description of the treated area.

(iv) The date(s) and times the application started and ended.

(v) The duration of the applicable labeling-specified restricted-entry interval for that application.

(b) **Location.** The pesticide application and hazard information must be displayed at a place on the agricultural establishment where workers and handlers are likely to pass by or congregate and where it can be readily seen and read.

(c) **Accessibility.** When the pesticide application and hazard information is required to be displayed, workers and handlers must be allowed access to the location of the information at all times during normal work hours.

(d) **Timing.** The pesticide application and hazard information for each pesticide product applied must be displayed no later than (~~twen-~~

~~ty-four~~)) 24 hours after the end of the application of the pesticide. The pesticide application and hazard information must be displayed continuously from the beginning of the display period until at least (~~thirty~~) 30 days after the end of the last applicable restricted-entry interval, or until workers or handlers are no longer on the establishment, whichever is earlier.

(e) **Record retention.** Whenever pesticide safety information and pesticide application and hazard information is required to be displayed in accordance with this subsection, the agricultural employer must retain the pesticide application and hazard information described in (a) of this subsection on the agricultural establishment for seven years after the date of expiration of the restricted-entry interval applicable to the pesticide application conducted.

(f) **Access to pesticide application and hazard information by a worker or handler.**

(i) If a person is or was employed as a worker or handler by an establishment during the period that particular pesticide application and hazard information was required to be displayed and retained in accordance with (e) and (f) of this subsection, and the person requests a copy of such application and/or hazard information, or requests access to such application and/or hazard information after it is no longer required to be displayed, the agricultural employer must provide the worker or handler with a copy of or access to all of the requested information within (~~fifteen~~) 15 days of the receipt of any such request. The worker or handler may make the request orally or in writing.

(ii) Whenever a record has been previously provided without cost to a worker or handler or their designated representative, the agricultural employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the worker or handler for additional copies of the record.

(g) **Access to pesticide application and hazard information by treating medical personnel.** Any treating medical personnel, or any person acting under the supervision of treating medical personnel, may request, orally or in writing, access to or a copy of any information required to be retained for seven years in (f) of this subsection in order to inform diagnosis or treatment of a worker or handler who was employed on the establishment during the period that the information was required to be displayed. The agricultural employer must promptly provide a copy of or access to all of the requested information applicable to the worker's or handler's time of employment on the establishment after receipt of the request.

(h) **Access to pesticide application and hazard information by a designated representative.**

(i) Any worker's or handler's designated representative may request access to or a copy of any information required to be retained for seven years in (f) of this subsection on behalf of a worker or handler employed on the establishment during the period that the information was required to be displayed. The agricultural employer must provide access to or a copy of the requested information applicable to the worker's or handler's time of employment on the establishment within (~~fifteen~~) 15 days after receiving any such request, provided the request meets the requirements specified in (h) (ii) of this subsection.

(ii) A request by a designated representative for access to or a copy of any pesticide application and/or hazard information must be in writing and must contain all of the following:

(A) The name of the worker or handler being represented.

(B) A description of the specific information being requested. The description should include the dates of employment of the worker or handler, the date or dates for which the records are requested, type of work conducted by the worker or handler (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(C) A written statement clearly designating the representative to request pesticide application and hazard information on the worker's or handler's behalf, bearing the worker's or handler's printed name and signature, the date of the designation, and the printed name and contact information for the designated representative.

(D) If the worker or handler requests that the pesticide application and/or the hazard information be sent, direction for where to send the information (e.g., mailing address or email address).

(iii) If the written request from a designated representative contains all of the necessary information specified in (h)(i) and (ii) of this subsection, the employer must provide a copy of or access to all of the requested information applicable to the worker's or handler's time of employment on the establishment to the designated representative within (~~fifteen~~) 15 days of receiving the request.

(iv) Whenever a record has been previously provided without cost to a worker or handler or their designated representative, the agricultural employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the designated representative for additional copies of the record.

[Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-10830, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-10905 Training requirements for workers—40 C.F.R., Sec. 170.401. (1) General requirement. Before any worker performs any task in a treated area on an agricultural establishment where within the last (~~thirty~~) 30 days a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect, the agricultural employer must ensure that each worker has been trained in accordance with this section within the last (~~twelve~~) 12 months, except as provided in subsection (2) of this section.

Note: In addition to the training required by this section, the agricultural employer must assure without exception, that all employees are trained in accordance with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(2) Exceptions. The following workers need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(b) A worker who has satisfied the handler training requirements in WAC 296-307-11205.

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, provided, that a requirement for such certification or licensing is pesticide safety training that includes all the topics in WAC 296-307-11205 (3) (b) or (c) as applicable depending on the date of training.

(3) Training programs.

(a) Pesticide safety training must be presented to workers either orally from written materials or audio-visually, at a location that is reasonably free from distraction and conducive to training. All training materials must be EPA-approved. The training must be presented in a manner that the workers can understand, such as through a translator. The training must be conducted by a person who meets the worker trainer requirements of (d) of this subsection, and who must be present during the entire training program and must respond to workers' questions.

(b) The training must include, at a minimum, all of the following topics:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eye flushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this section designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(c) EPA intends to make available to the public training materials that may be used to conduct training conforming to the requirements of this section. Within (~~one hundred eighty-one~~) 181 days after a notice of availability of such training materials appears in the *Federal Register*, training programs required under this section must include, at a minimum, all of the topics listed in (c)(i) through (xxiii) of this subsection instead of the topics listed in (b)(i) through (xi) of this subsection.

(i) The responsibility of agricultural employers to provide workers and handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes ensuring workers and handlers have been trained on pesticide safety, providing pesticide safety and application and hazard information, decontamination supplies and emergency medical assistance, and notifying workers of restrictions during applications and on entering pesticide treated

areas. A worker or handler may designate in writing a representative to request access to pesticide application and hazard information.

(ii) How to recognize and understand the meaning of the posted warning signs used for notifying workers of restrictions on entering pesticide treated areas on the establishment.

(iii) How to follow directions and/or signs about keeping out of pesticide treated areas subject to a restricted-entry interval and application exclusion zones.

(iv) Where and in what forms pesticides may be encountered during work activities, and potential sources of pesticide exposure on the agricultural establishment. This includes exposure to pesticide residues that may be on or in plants, soil, tractors, application and chemigation equipment, or used personal protective equipment, and that pesticides may drift through the air from nearby applications or be in irrigation water.

(v) Potential hazards from toxicity and exposure that pesticides present to workers and their families, including acute and chronic effects, delayed effects, and sensitization.

(vi) Routes through which pesticides can enter the body.

(vii) Signs and symptoms of common types of pesticide poisoning.

(viii) Emergency first aid for pesticide injuries or poisonings.

(ix) Routine and emergency decontamination procedures, including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to use decontamination supplies to wash immediately or rinse off in the nearest clean water, including springs, streams, lakes or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

(x) How and when to obtain emergency medical care.

(xi) When working in pesticide treated areas, wear work clothing that protects the body from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.

Note: Consider including other activities that could be a route of exposure such as using a phone or cell phone, or tablet, applying makeup, and getting into a personal vehicle.

(xii) Wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas.

(xiii) Potential hazards from pesticide residues on clothing.

(xiv) Wash work clothes before wearing them again and wash them separately from other clothes.

(xv) Do not take pesticides or pesticide containers used at work home.

(xvi) Safety data sheets (SDSs) provide hazard, emergency medical treatment and other information about the pesticides used on the establishment they may come in contact with. The responsibility of agricultural employers to do all of the following:

(A) Display safety data sheets (SDSs) for all pesticides used on the establishment.

(B) Provide workers and handlers information about the location of the safety data sheets (SDSs) on the establishment.

(C) Provide workers and handlers unimpeded access to safety data sheets (SDSs) during normal work hours.

(xvii) This section prohibits agricultural employers from allowing or directing any worker to mix, load or apply pesticides or assist in the application of pesticides unless the worker has been trained as a handler.

(xviii) The responsibility of agricultural employers to provide specific information to workers before directing them to perform early entry activities. Workers must be ~~((eighteen))~~ 18 years old to perform early entry activities.

(xix) Potential hazards to children and pregnant women from pesticide exposure.

(xx) Keep children and nonworking family members away from pesticide treated areas.

(xxi) After working in pesticide treated areas, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.

(xxii) How to report suspected pesticide use violations to the Washington state department of agriculture.

(xxiii) This section prohibits agricultural employers from intimidating, threatening, coercing, or discriminating against any worker or handler for complying with or attempting to comply with the requirements of this chapter part, or because the worker or handler provided, caused to be provided or is about to provide information to the employer, the EPA or its agents, or any duly authorized representative of the Washington state department of agriculture regarding conduct that the employee reasonably believes violates this chapter part, and/or made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning compliance with this chapter part.

(d) The person who conducts the training must meet one of the following criteria:

(i) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(ii) Have completed ~~((a))~~ an EPA-approved pesticide safety train-the-trainer program ((approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW)) for trainers of workers; or

(iii) Be currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(4) Recordkeeping.

(a) For each worker required to be trained under subsection (1) of this section, the agricultural employer must maintain on the agricultural establishment, for two years from the date of the training, a record documenting each worker's training including all of the following:

(i) The trained worker's printed name and signature.

(ii) The date of the training.

(iii) Information identifying which EPA-approved training materials were used.

(iv) The trainer's name and documentation showing that the trainer met the requirements of subsection (3)(d) of this section at the time of training.

(v) The agricultural employer's name.

(b) An agricultural employer who provides, directly or indirectly, training required under subsection (1) of this section must provide to the worker upon request a copy of the record of the training that contains the information required under (a) of this subsection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-10905, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and

chapter 49.17 RCW. WSR 19-21-169, § 296-307-10905, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-11205 Training requirements for handlers—40 C.F.R., Sec. 170.501. (1) General requirement. Before any handler performs any handler activity involving a pesticide product, the handler employer must ensure that the handler has been trained in accordance with this section within the last (~~twelve~~) 12 months, except as provided in subsection (2) of this section.

Note: In addition to the training required by this section, the agricultural employer must assure without exception, that all employees are trained in accordance with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(2) Exceptions. The following handlers need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, provided that a requirement for such certification or licensing is pesticide safety training that includes all the topics set out in subsection (3)(b) or (c) of this section as applicable depending on the date of training.

(3) Training programs.

(a) Pesticide safety training must be presented to handlers either orally from written materials or audio-visually, at a location that is reasonably free from distraction and conducive to training. All training materials must be EPA-approved. The training must be presented in a manner that the handlers can understand, such as through a translator. The training must be conducted by a person who meets the handler trainer requirements of (d) of this subsection, and who must be present during the entire training program and must respond to handlers' questions.

(b) The pesticide safety training materials must include, at a minimum, all of the following topics:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill clean-up.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this section that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(c) EPA intends to make available to the public training materials that may be used to conduct training conforming to the requirements of this section. Within (~~one hundred eighty~~) 180 days after a notice of availability of such training materials appears in the *Federal Register*, training programs required under this section must include, at a minimum, all of the topics listed in (c)(i) through (xiv) of this subsection instead of the points listed in (b)(i) through (xiii) of this subsection.

(i) All the topics required in WAC 296-307-10905 (3)(c).

(ii) Information on proper application and use of pesticides.

(iii) Handlers must follow the portions of the labeling applicable to the safe use of the pesticide.

(iv) Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide.

(v) Need for and appropriate use and removal of all personal protective equipment.

(vi) How to recognize, prevent, and provide first-aid treatment for heat-related illness.

(vii) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(viii) Environmental concerns, such as drift, runoff, and wildlife hazards.

(ix) Handlers must not apply pesticides in a manner that results in contact with workers or other persons.

(x) The responsibility of handler employers to provide handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes providing, cleaning, maintaining, storing, and ensuring proper use of all required personal protective equipment; providing decontamination supplies; and providing specific information about pesticide use and labeling information.

(xi) Handlers must suspend a pesticide application if workers or other persons are in the application exclusion zone.

(xii) Handlers must be at least (~~eighteen~~) 18 years old.

(xiii) The responsibility of handler employers to ensure handlers have received respirator fit-testing, training and medical evaluation if they are required to wear a respirator by the product labeling.

(xiv) The responsibility of agricultural employers to post treated areas as required by this part.

(d) The person who conducts the training must have one of the following qualifications:

(i) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapter 15.58 or 17.21 RCW; or

(ii) Have completed (~~(a)~~) an EPA-approved pesticide safety train-the-trainer program (approved by a state, federal, or tribal agency having jurisdiction.) for trainers of handlers; or

(iii) Be currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(4) Recordkeeping.

(a) Handler employers must maintain records of training for handlers employed by their establishment for two years after the date of the training. The records must be maintained on the establishment and must include all of the following information:

(i) The trained handler's printed name and signature.

(ii) The date of the training.

(iii) Information identifying which EPA-approved training materials were used.

(iv) The trainer's name and documentation showing that the trainer met the requirements of subsection (3)(d) of this section at the time of training.

(v) The handler employer's name.

(b) The handler employer must, upon request by a handler trained on the establishment, provide to the handler a copy of the record of the training that contains the information required under (a) of this subsection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-11205, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-11205, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-11220 Personal protective equipment—40 C.F.R., Sec. 170.507. (1) Handler responsibilities. Any person who performs handler activities involving a pesticide product must use the clothing and personal protective equipment specified on the pesticide product labeling for use of the product, except as provided in WAC 296-307-11420.

(2) Employer responsibilities for providing personal protective equipment. The handler employer must provide to the handler the personal protective equipment required by the pesticide product labeling in accordance with this section. The handler employer must ensure that the personal protective equipment fits, is clean and in proper operating condition. When two or more pesticides are applied to a treated area at the same time, the employer must ensure employees, workers and handlers wear the applicable PPE that would protect against all of the pesticides as a mixture and combined product. For the purposes of this section, long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks are not considered personal protective equipment, although such work clothing must be worn if required by the pesticide product labeling.

(a) If the pesticide product labeling requires that "chemical-resistant" personal protective equipment be worn, it must be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) If the pesticide product labeling requires that "waterproof" personal protective equipment be worn, it must be made of material

that allows no measurable movement of water or aqueous solutions through the material during use.

(c) If the pesticide product labeling requires that a "chemical-resistant suit" be worn, it must be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) If the pesticide product labeling requires that "coveralls" be worn, they must be loose-fitting, one- or two-piece garments that cover, at a minimum, the entire body except head, hands, and feet.

(e) Gloves must be the type specified on the pesticide product labeling.

(i) Gloves made of leather, cotton, or other absorbent materials may not be worn while performing handler activities unless gloves made of these materials are listed as acceptable for such use on the pesticide product labeling.

(ii) Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide product labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings, made of lightweight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with nonseparable absorbent lining materials are prohibited.

(iii) If used, separable glove liners must be discarded immediately after a total of no more than (~~ten~~) 10 hours of use or within (~~twenty-four~~) 24 hours of when first put on, whichever comes first. The liners must be replaced immediately if directly contacted by pesticide. Used glove liners must not be reused. Contaminated liners must be disposed of in accordance with any federal, state, or local regulations.

Table 3

Chemical Resistance Category Selection Chart for Gloves

(For use when selecting glove types to be listed in the PPE section on pesticide label. Only select glove(s) that indicate a high level of chemical resistance.)

Note: This table below provides examples of categories of chemical resistant materials that can be used to protect against different kinds of pesticides.

Solvent Category (see Table 4)	Barrier Laminate	Butyl Rubber ≥ 14 mils	Nitrile Rubber ≥ 14 mils	Neoprene Rubber ≥ 14 mils	Natural Rubber* ≥ 14 mils	Polyethylene	Polyvinyl Chloride (PVC) ≥ 14 mils	Viton ≥ 14 mils
A (dry and water-based formulations)	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>
B	<u>high</u>	<u>high</u>	<u>slight</u>	<u>slight</u>	<u>none</u>	<u>slight</u>	<u>slight</u>	<u>slight</u>
C	<u>high</u>	<u>high</u>	<u>high</u>	<u>high</u>	<u>moderate</u>	<u>moderate</u>	<u>high</u>	<u>high</u>
D	<u>high</u>	<u>high</u>	<u>moderate</u>	<u>moderate</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>slight</u>
E	<u>high</u>	<u>slight</u>	<u>high</u>	<u>high</u>	<u>slight</u>	<u>none</u>	<u>moderate</u>	<u>high</u>
F	<u>high</u>	<u>high</u>	<u>high</u>	<u>moderate</u>	<u>slight</u>	<u>none</u>	<u>slight</u>	<u>high</u>
G	<u>high</u>	<u>slight</u>	<u>slight</u>	<u>slight</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>high</u>
H	<u>high</u>	<u>slight</u>	<u>slight</u>	<u>slight</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>high</u>

* Includes natural rubber blends and laminates.

HIGH: Highly chemical-resistant. Clean or replace PPE at end of each day's work period. Rinse off pesticides at rest breaks.

MODERATE: Moderately chemical-resistant. Clean or replace within an hour or two of contact.

SLIGHT: Slightly chemical-resistant. Clean or replace within 10 minutes of contact.

NONE: No chemical-resistance.

Table 4
Solvent List (PRN 93-7, Supplement 2)

<u>Solvent (chemical name or Trade name)</u>	<u>Chemical Resistance Category</u>	<u>Solvent (chemical name or Trade name)</u>	<u>Chemical Resistance Category</u>
<u>Acetone</u>	<u>B</u>	<u>Isopar L</u>	<u>E</u>
<u>Amyl Acetate</u>	<u>D</u>	<u>Isopar M</u>	<u>E</u>
<u>Aromatic 100</u>	<u>F or G</u>	<u>Isopar V</u>	<u>E</u>
<u>Aromatic 150</u>	<u>F or G</u>	<u>Isophorone</u>	<u>B</u>
<u>Aromatic 200</u>	<u>F or G</u>	<u>Isopropanol</u>	<u>C</u>
<u>Aromatic Petroleum</u>	<u>F or G</u>	<u>Kerosene</u>	<u>E</u>
<u>Butoxypolypropylene glycol</u>	<u>C</u>	<u>Methanol</u>	<u>C</u>
<u>Butyl acetate</u>	<u>D</u>	<u>Methyl amyl ketone</u>	<u>B</u>
<u>Cyclohexanone</u>	<u>B</u>	<u>Methyl Carbitol</u>	<u>C</u>
<u>Diacetone alcohol</u>	<u>C</u>	<u>Methyl isobutyl ketone</u>	<u>B</u>
<u>Diethanolamine</u>	<u>C</u>	<u>Mineral oil</u>	<u>E</u>
<u>Diesel fuel</u>	<u>E</u>	<u>Mineral spirits</u>	<u>E</u>
<u>Dipropylene glycol monothylether</u>	<u>C</u>	<u>Naphtha</u>	<u>E</u>
<u>Ethanol</u>	<u>C</u>	<u>N-methyl pyrrolidone</u>	<u>B</u>
<u>Ethylene glycol</u>	<u>C</u>	<u>Penreco 2251 oil</u>	<u>E</u>
<u>Exxon 589</u>	<u>E</u>	<u>Petroleum Distillate (aliphatic)</u>	<u>E</u>
<u>Heavy Aromatic Naphtha</u>	<u>F or G</u>	<u>Petroleum oil</u>	<u>E</u>
<u>Hexylene glycol</u>	<u>C</u>	<u>Propylene glycol</u>	<u>C</u>
<u>Isopar B</u>	<u>E</u>	<u>T 500-100</u>	<u>F or G</u>
<u>Isopar C</u>	<u>E</u>	<u>Tetrahydro-furfuryl alcohol</u>	<u>C</u>
<u>Isopar E</u>	<u>E</u>	<u>1,1,1-Trichloroethane</u>	<u>H</u>
<u>Isopar G</u>	<u>E</u>	<u>Water</u>	<u>A</u>
<u>Isopar H</u>	<u>E</u>	<u>Xylene</u>	<u>F or G</u>
<u>Isopar K</u>	<u>E</u>	<u>Xylene range solvents</u>	<u>F or G</u>

(f) If the pesticide product labeling requires that "chemical-resistant footwear" be worn, one of the following types of footwear must be worn:

- (i) Chemical-resistant shoes.
- (ii) Chemical-resistant boots.
- (iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) If the pesticide product labeling requires that "protective eyewear" be worn, one of the following types of eyewear must be worn:

- (i) Goggles.
- (ii) Face shield.
- (iii) Safety glasses with front, brow, and temple protection.
- (iv) Full-face respirator.

(h) If the pesticide product labeling requires that a "chemical-resistant apron" be worn, a chemical-resistant apron that covers the front of the body from mid-chest to the knees must be worn.

(i) If the pesticide product labeling requires that "chemical-resistant headgear" be worn, it must be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

((Table 3

Chemical Resistance Category Selection Chart for Gloves

(For use when selecting glove types to be listed in the PPE section on pesticide label. Only select glove(s) that indicate a high level of chemical resistance.)

Note: This table below provides examples of categories of chemical resistant materials that can be used to protect against different kinds of pesticides.

Solvent Category (see Table 4)	Barrier Laminate	Butyl Rubber ≥14 mils	Nitrile Rubber ≥14 mils	Neoprene Rubber ≥14 mils	Natural Rubber* ≥14 mils	Poly-ethylene	Polyvinyl Chloride (PVC) ≥14 mils	Viton ≥14 mils
A (dry and water-based formulations)	high	high	high	high	high	high	high	high
B	high	high	slight	slight	none	slight	slight	slight
C	high	high	high	high	moderate	moderate	high	high
D	high	high	moderate	moderate	none	none	none	slight
E	high	slight	high	high	slight	none	moderate	high
F	high	high	high	moderate	slight	none	slight	high
G	high	slight	slight	slight	none	none	none	high
H	high	slight	slight	slight	none	none	none	high

* Includes natural rubber blends and laminates.

HIGH: Highly chemical-resistant. Clean or replace PPE at end of each day's work period. Rinse off pesticides at rest breaks.

MODERATE: Moderately chemical-resistant. Clean or replace within an hour or two of contact.

SLIGHT: Slightly chemical-resistant. Clean or replace within ten minutes of contact.

NONE: No chemical resistance.)

(j) The respirator specified by the pesticide product labeling must be used. If the label does not specify the type of respirator to be used, it must meet the requirements of Part Y-5 of this chapter. Whenever a respirator is required by the pesticide product labeling, the handler employer must ensure that the requirements of (j) (i) through (iii) of this subsection are met before the handler performs any handler activity where the respirator is required to be worn. The respiratory protection requirements of Part Y-5 of this chapter apply. The handler employer must maintain for two years, on the establishment, records documenting the completion of the requirements of (j) (i) through (iii) of this subsection.

(i) The handler employer must assure that the respirator fits correctly by using the procedures consistent with Part Y-5 of this chapter.

(ii) Handler employers must provide handlers with training in the use of the respirator specified on the pesticide product labeling in a manner that conforms to the provisions of Part Y-5 of this chapter.

(iii) Handler employers must provide handlers with a medical evaluation by a physician or other licensed health care professional that conforms to the provisions of WAC 296-307-604 to ensure the handler's physical ability to safely wear the respirator specified on the pesticide product labeling.

(3) Use of personal protective equipment.

(a) The handler employer must ensure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer must ensure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(4) Cleaning and maintenance.

(a) The handler employer must ensure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it must be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot or will not be cleaned properly, the handler employer must ensure the contaminated personal protective equipment is made unusable as apparel or is made unavailable for further use by employees or third parties. The contaminated personal protective equipment must be disposed of in accordance with any applicable laws or regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with a pesticide that has the signal word "DANGER" or "WARNING" on the label must not be reused and must be disposed of as specified in this subsection. Handler employers must ensure that any person who handles contaminated personal protective equipment described in this subsection wears the gloves specified on the pesticide product labeling for mixing and loading the product(s) comprising the contaminant(s) on the equipment. If two or more pesticides are included in the contaminants, the gloves worn must meet the requirements for mixing and loading all of the pesticide products.

(c) The handler employer must ensure that contaminated personal protective equipment is kept separate from noncontaminated personal protective equipment, other clothing or laundry and washed separately from any other clothing or laundry.

(d) The handler employer must ensure that all washed personal protective equipment is dried thoroughly before being stored or reused.

(e) The handler employer must ensure that all clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer must ensure that when (~~filtering face-piece~~) respirators with particulate filtering elements are used, (~~they~~) particulate filtering elements are replaced (~~when~~) as soon as any one of the following conditions is met:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer must ensure that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges are replaced before further respirator use when one of the following conditions is met:

(i) At the first indication of odor, taste, or irritation.

(ii) When the maximum use time is reached as determined by a change schedule conforming to the provisions of Part Y-5 of this chapter.

(iii) When breathing resistance becomes excessive.

(iv) When required according to manufacturer's recommendations or pesticide product labeling instructions, whichever is more frequent.

(v) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer must inform any person who cleans or launders personal protective equipment of all the following:

(i) That such equipment may be contaminated with pesticides and there are potentially harmful effects from exposure to pesticides.

(ii) The correct way(s) to clean personal protective equipment and how to protect themselves when handling such equipment.

(iii) Proper decontamination procedures that should be followed after handling contaminated personal protective equipment.

(i) The handler employer must ensure that handlers have a place(s) away from pesticide storage and pesticide use areas where they may do all of the following:

(i) Store personal clothing not worn during handling activities.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer must not allow or direct any handler to wear home or to take home employer-provided personal protective equipment contaminated with pesticides.

(5) Heat-related illness. Where a pesticide's labeling requires the use of personal protective equipment for a handler activity, the handler employer must ensure that no handler is allowed or directed to wear personal protective equipment without implementing measures sufficient to prevent heat-related illness and that each handler is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

Note: Additional requirements in WAC 296-307-097 Outdoor heat exposure, may apply between May 1st and September 30th of each year. See Part G-1.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-11220, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-11220, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-11225 Decontamination and eye flushing supplies for handlers—40 C.F.R., Sec. 170.509. (1) Requirement. The handler employer must provide decontamination and eye flushing supplies in accordance with this section for any handler that is performing any handler activity or removing personal protective equipment at the place for changing required in WAC 296-307-11220 (4) (i).

(2) General conditions. The decontamination supplies required in subsection (1) of this section must include: At the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least (~~ten~~) 10 gallons of water for one employee and (~~twenty~~) 20 gallons of water for two or more employees must be provided at mixing and loading sites that do not have running water. The decontamination and eye flushing supplies required in subsection (1) of this section must meet all of the following requirements:

(a) Water. At all times when this section requires handler employers to make water available to handlers for routine washing, emergency decontamination or eye flushing, the handler employer must en-

sure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. If a water source is used for mixing pesticides, it must not be used for decontamination or eye flushing supplies, unless equipped with properly functioning valves or other mechanisms that prevent contamination of the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient to prevent contamination.

(b) Soap and single-use towels. The handler employer must provide soap and single-use towels for drying in quantities sufficient to meet the handlers' needs. Hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap. Wet towelettes do not meet the requirement for single-use towels.

(c) Clean change of clothing. The handler employer must provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies must be located together outside any treated area or area subject to a restricted-entry interval, and must be reasonably accessible to each handler during the handler activity. The decontamination supplies must not be more than one-quarter mile from the handler, except that where the handler activity is more than one-quarter mile from the nearest place of vehicular access or more than one-quarter mile from any nontreated area, the decontamination supplies may be at the nearest place of vehicular access outside any treated area or area subject to a restricted-entry interval.

(a) Mixing sites. Decontamination supplies must be provided at any mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially must be in the aircraft or at the aircraft loading site.

(c) Exception for treated areas. The decontamination supplies must be outside any treated area or area subject to a restricted-entry interval, unless the soap, single-use towels, water and clean change of clothing are protected from pesticide contamination in closed containers.

(4) Emergency (~~(eye-flushing)~~) eye flushing.

(a) Whenever a handler is mixing or loading a pesticide product whose labeling requires protective eyewear for handlers, or is mixing or loading any pesticide using a closed system operating under pressure, the handler employer must provide at each mixing and loading station and handler decontamination sites, immediately available to the handler, at least one plumbed or portable eye wash system that is capable of delivering gently running water at a rate of at least 0.4 gallons (1.5 liters) per minute for at least (~~(fifteen)~~) 15 minutes, at least six gallons of water. A plumbed or portable system meeting the above requirements must be provided at all permanent mixing and loading sites.

(b) Whenever a handler is applying a pesticide product whose labeling requires protective eyewear for handlers, the handler employer must provide at least one pint of water per handler in portable containers that are immediately available to each handler.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-11225, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and

chapter 49.17 RCW. WSR 19-21-169, § 296-307-11225, filed 10/22/19, effective 2/3/20.]

AMENDATORY SECTION (Amending WSR 21-04-128, filed 2/2/21, effective 3/8/21)

WAC 296-307-11415 Agricultural employer responsibilities to protect workers entering treated areas during a restricted-entry interval—40 C.F.R., Sec. 170.605. If an agricultural employer directs a worker to perform activities in a treated area where a restricted-entry interval is in effect, all of the following requirements must be met:

(1) The agricultural employer must ensure that the worker is at least ~~((eighteen))~~ 18 years old.

(2) Prior to early entry, the agricultural employer must provide to each early entry worker the information described in (a) through (h) of this subsection. The information must be provided orally in a manner that the worker can understand.

(a) Location of early entry area where work activities are to be performed.

(b) Pesticide(s) applied.

(c) Dates and times that the restricted-entry interval begins and ends.

(d) Which exception in WAC 296-307-11410 is the basis for the early entry, and a description of tasks that may be performed under the exception.

(e) Whether contact with treated surfaces is permitted under the exception.

(f) Amount of time the worker is allowed to remain in the treated area.

(g) Personal protective equipment required by the pesticide product labeling for early entry.

(h) Location of the pesticide safety information required in WAC 296-307-10830(1) (~~((or 296-307-10835(1)))~~) and the location of the decontamination supplies required in subsection (8) of this section.

(3) Prior to early entry, the agricultural employer must ensure that each worker either has read the applicable pesticide product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements and statements related to human hazards or precautions, first aid, and user safety.

(4) The agricultural employer must ensure that each worker who enters a treated area during a restricted-entry interval is provided the personal protective equipment specified in the pesticide product labeling for early entry. The agricultural employer must ensure that the worker uses the personal protective equipment as intended according to manufacturer's instructions and follows any other applicable requirements on the pesticide product labeling. Personal protective equipment must conform to the standards in WAC 296-307-11220 (2)(a) through (i).

(5) The agricultural employer must maintain the personal protective equipment in accordance with WAC 296-307-11220 (3) and (4).

(6) The agricultural employer must ensure that no worker is allowed or directed to wear personal protective equipment without implementing measures sufficient to prevent heat-related illness and that

each worker is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

(7) (a) The agricultural employer must instruct each worker on the proper use and removal of the personal protective equipment, and as appropriate, on its cleaning, maintenance and disposal. The agricultural employer must not allow or direct any worker to wear home or to take home employer-provided personal protective equipment contaminated with pesticides.

(b) Each worker is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

Note: Additional requirements in WAC 296-307-097 Outdoor heat exposure, may apply between May 1st and September 30th of each year. See Part G-1.

(8) During any early entry activity, the agricultural employer must provide decontamination supplies in accordance with WAC 296-307-11225, except the decontamination supplies must be outside any area being treated with pesticides or subject to a restricted-entry interval, unless the decontamination supplies would otherwise not be reasonably accessible to workers performing early entry tasks.

(9) If the pesticide product labeling of the product applied requires protective eyewear, the agricultural employer must provide at least one pint of water per worker in portable containers for eye flushing that is immediately available to each worker who is performing early entry activities.

(10) At the end of any early entry activities the agricultural employer must provide, at the site where the workers remove personal protective equipment, soap, single-use towels and an adequate amount of water so that the workers may wash thoroughly. At least (~~ten~~) 10 gallons of water for one employee and (~~twenty~~) 20 gallons of water for two or more employees must be provided at early entry sites that do not have running water.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060. WSR 21-04-128, § 296-307-11415, filed 2/2/21, effective 3/8/21. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.280 and chapter 49.17 RCW. WSR 19-21-169, § 296-307-11415, filed 10/22/19, effective 2/3/20.]